

**Senate File 2074 - Introduced**

SENATE FILE 2074

BY ERNST

**A BILL FOR**

1 An Act relating to the length of on-duty periods and required  
2 rest periods for drivers of rail crew transport vehicles,  
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.449A Rail crew transport  
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is  
4 designed to transport seven or more persons but fewer than  
5 sixteen persons including the driver and is used to transport  
6 railroad workers to or from their places of employment or  
7 during the course of their employment is subject to the  
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten  
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period  
12 after having been on duty for fifteen hours following eight  
13 consecutive hours of uninterrupted rest.

14 2. For purposes of this section, the following definitions  
15 apply:

16 a. "*Employer*" means a railroad worker transportation  
17 company, as defined in section 327F.39, for whom the driver  
18 performs a service, either for wages or as an independent  
19 contractor.

20 b. "*On duty*" means all time from the time a driver begins  
21 work or is required to be ready to work until the time the  
22 driver is relieved from work and all responsibility for  
23 performing work, whether or not the driver is compensated for  
24 all of the time. A driver may drive more than one assigned  
25 trip, as long as the trip falls within the on-duty period. A  
26 driver "*begins work*" when the driver enters a transport vehicle  
27 to begin a trip assignment and is not "*relieved from work*" until  
28 the driver has exited the transport vehicle for the final time.

29 c. "*Uninterrupted rest*" means the driver is not required to  
30 maintain telephone contact with the driver's employer and is  
31 assured of not being called for a trip assignment.

32 3. A person who violates this section commits a simple  
33 misdemeanor punishable as a scheduled violation under section  
34 805.8A, subsection 13, paragraph "b".

35 Sec. 2. Section 327F.39, subsection 1, Code 2011, is amended

1 by adding the following new paragraphs:

2 NEW PARAGRAPH. *0c.* "Driver" means a person who operates  
3 a motor vehicle for the transportation of railroad workers in  
4 the motor vehicle on behalf of a railroad worker transportation  
5 company, whether the person is employed by the company for  
6 wages or drives for the company as an independent contractor.

7 NEW PARAGRAPH. *0g.* "Railroad worker transportation  
8 company" means a person, other than a railroad corporation,  
9 organized for the purpose of or engaged in the business of  
10 transporting, for hire, railroad workers to or from their  
11 places of employment or in the course of their employment in  
12 motor vehicles designed to carry seven or more persons but  
13 fewer than sixteen persons including the driver.

14 Sec. 3. Section 327F.39, Code 2011, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 4A. *a.* A railroad worker transportation  
17 company shall not require a driver to operate a motor  
18 vehicle in violation of section 321.449A. A railroad worker  
19 transportation company may require a period of uninterrupted  
20 rest for a driver at any time. The period of uninterrupted  
21 rest shall not be less than eight hours, and shall be at least  
22 ten hours following an on-duty period of more than eight  
23 hours. A railroad worker transportation company shall clearly  
24 communicate to a driver when a period of uninterrupted rest is  
25 to begin.

26 *b.* A railroad company shall not require a driver to operate  
27 a motor vehicle in violation of section 321.449A or this  
28 subsection.

29 *c.* For purposes of this subsection, "uninterrupted rest" and  
30 "on duty" mean the same as defined in section 321.449A.

31 Sec. 4. Section 327F.39, subsection 6, Code 2011, is amended  
32 to read as follows:

33 6. *Penalty.*

34 *a.* Violation by the owner of a motor vehicle of this  
35 section, a rule adopted under this section, or an order issued

1 under subsection 5, or willful failure to comply with such an  
2 order is, upon conviction, subject to a schedule "one" penalty  
3 as provided under section 327C.5.

4 b. A violation of subsection 4A or rules adopted pursuant to  
5 subsection 4A by a railroad worker transportation company or a  
6 railroad corporation is punishable as a schedule "one" penalty  
7 under section 327C.5.

8 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code  
9 Supplement 2011, is amended to read as follows:

10 b. For a violation under section 321.449, or 321.449A, the  
11 scheduled fine is fifty dollars.

12 EXPLANATION

13 This bill provides that a person who drives a motor vehicle  
14 transporting railroad workers is subject to hours-of-service  
15 restrictions similar to those that apply to commercial vehicle  
16 operators.

17 The bill prohibits a driver from driving a motor vehicle  
18 for hire, which is designed to transport seven or more persons  
19 but fewer than 16 persons including the driver and which is  
20 used to transport railroad workers to or from their places  
21 of employment or during the course of their employment,  
22 for more than 10 hours following eight consecutive hours of  
23 uninterrupted rest, and prohibits driving such a motor vehicle  
24 for any period after having been on duty for 15 hours following  
25 eight consecutive hours of uninterrupted rest. The bill  
26 provides a detailed definition of "on duty", which includes  
27 all time for which the driver is or is not compensated from  
28 the time a driver begins work or is required to be ready to  
29 work until the time the driver is relieved from work and all  
30 responsibility for performing work. "Uninterrupted rest" means  
31 the employee is not required to maintain telephone contact with  
32 the employer and is assured of not being called for a trip  
33 assignment.

34 A driver who violates the hours-of-service restrictions  
35 commits a simple misdemeanor punishable by a scheduled fine

1 of \$50. This is the same penalty that currently applies for  
2 hours-of-service violations by commercial vehicle operators.

3 The bill prohibits a railroad worker transportation company  
4 from requiring a driver to operate a motor vehicle in violation  
5 of the hours of service requirements established under the  
6 bill. A railroad worker transportation company may require a  
7 period of uninterrupted rest at any time. The minimum period  
8 of uninterrupted rest shall be eight hours, but if the driver  
9 has been on duty for more than eight hours, the period of  
10 uninterrupted rest shall be at least 10 hours. The company is  
11 required to clearly communicate to a driver when a period of  
12 uninterrupted rest is to begin.

13 The bill provides that a violation of the provisions of the  
14 bill by a railroad worker transportation company or a railroad  
15 corporation is a schedule "one" penalty, subject to a fine of  
16 \$100 under current law applicable to railroads.